

Mortgage Marketing Compliance Checklist

PRELIMINARY ASSESSMENT		YES/NO
1.	Is this considered "marketing material"? If not, why not? If yes, continue.	
2.	Is the interest rate an APR accompanied by the corresponding annual percentage rate?	
3.	If the interest rate and corresponding APR are disclosed, is the APR in the same font size or larger than the disclosed interest rate?	
4.	Is the rate actually available, and can it be evidenced upon request?	
PAYMENT DISCLOSURES		YES/NO
5.	If a payment is disclosed and does not include taxes or insurance, does the ad state this clearly and conspicuously ?	
6.	Does the ad contain any of the following triggering terms: <ul style="list-style-type: none"> ● Amount or percentage of any down payment ● Number of payments or period of repayment ● Amount of any payment ● Amount of any finance charge 	
7.	If triggering terms are present, are the following additional terms disclosed clearly and conspicuously ? <ul style="list-style-type: none"> ● Amount or percentage of any down payment ● Terms of repayment, which reflect the repayment obligations over the full term of the loan, including any balloon payment ● The annual percentage rate ● Disclosure that the rate may increase after consummation 	
8.	If the ad is for an adjustable-rate mortgage (ARM), does it contain any triggering terms (listed above)?	
9.	If triggering terms are present, does the advertisement clearly and conspicuously state the following: <ul style="list-style-type: none"> ● Each simple rate of interest that will apply, with a rate determined by adding a current index and margin ● The period of time during which each simple annual rate of interest rate will apply ● The loan's APR 	
10.	Is the word "fixed" used to refer to rates, payments, or credit transactions where the payment will increase, such as an ARM?	
	<ul style="list-style-type: none"> ● If so, is there every opportunity for the consumer to fully understand that the loan product is an adjustable-rate mortgage, not a fixed-rate loan? 	

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PAYMENT DISCLOSURES		YES/NO
	<ul style="list-style-type: none"> Do the words “adjustable-rate mortgage” clearly and conspicuously appear before “fixed rate” appears in the advertisement? 	
	<ul style="list-style-type: none"> Is there a clear and conspicuous statement near the phrase “fixed rate” explaining the term and details of the “fixed rate” period for the loan product? 	
	<ul style="list-style-type: none"> Is it clear to the consumer that the rate and payment may change during the life of the loan? 	
11.	Are all disclosures made in a clear and conspicuous manner, with the disclosures being equally prominent (same type size) and in close proximity to (located immediately next to or directly above or below) the triggering term?	
REGULATORY INFORMATION		YES/NO
12.	Does the ad include the NMLS number for the lending/broker company?	
13.	If the mortgage loan originator is identified, is their NMLS number included?	
14.	Does the ad disclose the name and address of the lending company or broker?	
15.	Are state-specific requirements checked and reflected in the ad?	
UNFAIR OR DECEPTIVE PRACTICES		YES/NO
16.	Does the ad avoid unfair or deceptive acts or practices?	
17.	Is the advertisement constructed so that it does not appear to promote unfair marketing activities that could cause financial injury to consumers?	
18.	Does the ad avoid misleading representations or omissions?	
19.	Does the ad avoid taking advantage of the consumer's lack of understanding about a product or service's material risks, costs, or conditions?	
ENDORSEMENTS AND SPONSORSHIP		YES/NO
20.	Does the ad contain an emblem, color of payment, official-looking bar code, phony reference numbers, or words or phrases that suggest it's endorsed or sponsored by a government agency?	
21.	Does the ad avoid using phrases that create a false sense of urgency, such as benefit announcement, eligibility advisory notice, status expiration notice, pending authorization, VA loan department , or similar phrases?	
22.	Does the ad display the name of the consumer's current mortgage lender in a manner that appears it is coming from that mortgage lender?	
DISCLOSURES AND TARGETING		YES/NO
23.	Does the ad clearly and prominently include important disclosures? This means: <ul style="list-style-type: none"> Disclosures are printed in 10-point font or larger. 	

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	<ul style="list-style-type: none"> ● Disclosures are located on the same side of the page as the trigger terms. ● Disclosure print contrasts with the background and is in understandable language and syntax. 	
24.	Will the ad target appropriate potential borrowers?	
	<ul style="list-style-type: none"> ● If it's a TV advertisement, is there disclosure language to adjust for this? 	
SUPPORTING DOCUMENTATION AND LEGAL COMPLIANCE		YES/NO
25.	Are advertising claims supported with documentation? Evidence must be readily available in case the claim's legitimacy is challenged.	
26.	Is this advertisement related to or associated with a relationship between parties such that there could be "referral" issues prohibited by federal law?	
27.	Are there other implications, such as fair lending issues, firm offers of credit, CAN-SPAM, TCPA, and similar laws, that should be considered when deploying this marketing strategy?	